

REMARKS

Claims 19 and 25 through 30 are presented for consideration upon entry of the instant amendment which is respectfully requested. Claims 1 through 18 and claims 20 through 24 are canceled. Claims 25 through 30 are new.

The paragraph of the specification beginning at page 7, line 16, has been amended to delete that "[t]he support layer may be shaped to only extend under and along a lower and side breast profile of a wearer's breasts when the undergarment is worn, as shown in Figure 1" and add "[t]he transparent layer covers a portion of said wearer's breasts where said support layer does not extend." Support for the amendment to the specification is found at least in Figure 1, original claim 8, and the paragraph of the specification beginning at page 7, line 16 as originally filed.

The Action rejects claims 1 through 6 and 8 through 24 under 35 U.S.C. §102(b) over U.S. Patent No. 3,070,870 to Alexander et al. ("Alexander"). Claims 1 through 6, 8 through 18, and 20 through 24 are canceled rendering the rejections thereto moot.

Applicants respectfully traverse these rejections.

Claim 19 requires "a transparent layer", "an intermediate layer", and "a support layer".

Alexander has a lace layers 7,8, an interlining 19, and a second cup layer 17. Here, the second cup layer 17 is a soft tulle lining faced inward for comfort. Interlining 19 is a net of course mono-filaments that is naturally stiff.

Thus, the portion of Alexander that the Action asserts as being the claimed "support layer" is the soft comfort tulle (e.g., lace) layer 17. More particularly, the Action states that this soft layer provides support as broadly claimed since any additional layer would provide support.

Applicants disagree.

It is simply not possible for the soft layer of Alexander to provide any support since this layer is attached to the interlining 19 that is stiff. How can a soft layer support a stiff one?

Therefore, the soft cup layer 17 of Alexander does not disclose or suggest the "support layer" of claim 19.

Claim 19 also requires that the intermediate layer is "for adhering or fusing said transparent layer and said support layer".

In contrast, Alexander discloses that the fabric can be prepared for molding by padding it with a composition of water and thermosetting resin, thermoplastic resin and silicone resin that when used in large quantities also can adhere the fabric layers together. (col. 7, line 65 - col. 8, line 9).

Accordingly, the interlining 19 of Alexander is a stiff support layer but it is not for adhering or fusing said transparent layer and said support layer. Rather, Alexander discloses that the composition of resins used in large quantities, and not the interlining, adheres the fabric layers together.

Therefore, the interlining 19 of Alexander does not disclose or suggest the intermediate layer of claim 19 that adheres or fuses the transparent layer and the support layer.

Claim 19 further provides "wherein said support layer extends primarily under a wearer's breasts along a lower and side breast profile, and wherein said transparent layer covers a portion of said wearer's breasts where said support layer does not extend." Support for claim 19 is at least found in Figure 1, original claim 8, and the paragraph of the specification beginning at page 7, line 16 as originally filed.

Andersen provides "there is a second cup layer 17 which may be fabricated in the same manner and molded to conform to the lace layers 7, 8" and "[a]n inner lining 19 which is also identical in fabrication and molding to the lace layers 7, 8." (col. 7, 54-59). In addition, as clearly shown in Figures 1, 8, and 9, second cup layer 17, lace layers 7, 8, and inner lining 19 cover substantially the same portion of a wearer's breasts. Thus, Andersen fails to disclose or suggest that the support layer extends primarily under a wearer's breasts along a lower and side breast profile and that the transparent layer covers a portion of the wearer's breasts where the support layer does not extend, as recited in claim 19.

Accordingly, reconsideration and withdrawal of the 102(b) rejections to claim 19 are respectfully requested.

New independent claim 25 provides a brassiere that includes two breast supporting cup portions each having a transparent layer that is a material selected from the group consisting of chiffon, georgette, voile, illusion, organza, and tulle. The material is elastic and nylon/spandex mix. A support layer is less flexible than the transparent layer. The support layer is a nylon/spandex mix. An adhesive layer that is a thermoadhesive has elastic properties. The adhesive layer is selectively applied to the support layer forming an adhesive-support layer to provide support in specific areas of the brassiere. The adhesive-support layer is adhered to the transparent layer. Support for claim 25 is at least found on page 5, lines 4-7, 10-15, 21-25, page 6, lines 7, 11-14, and page 7, lines 19-22.

Andersen merely provides "yarns of the fabric comprise filaments which are thermoplastic" and "the thermoplastic yarns selected should be as nearly fully drawn to a predetermined degree as possible before molding." (col. 3, line 21-22 and col. 4, lines 52-54). Thus, not only does Andersen fail to disclose or suggest that the material is elastic and nylon/spandex mix, let alone that the support layer is less flexible than the transparent layer, the support layer is a nylon/spandex mix, or an adhesive layer that is

a thermoadhesive has elastic properties, as recited by claim 25, Andersen teaches away from the above-described features of claim 25.

Further, as clearly shown in Figures 1, 8, and 9, Andersen provides "there is a second cup layer 17 which may be fabricated in the same manner and molded to conform to the lace layers 7, 8" and "[a]n inner lining 19 which is also identical in fabrication and molding to the lace layers 7, 8." (col. 7, 54-59). Alexander discloses that the fabric can be prepared for molding by padding it with a composition of water and thermosetting resin, thermoplastic resin and silicone resin that when used in large quantities also can adhere the fabric layers together. (col. 7, line 65 - col. 8, line 9). Thus, Andersen fails to disclose or suggest that the adhesive layer is selectively applied to the support layer forming an adhesive-support layer to provide support in specific areas of the brassiere, as recited by claim 25.

Accordingly, Applicants respectfully submit that claim 25 is patentable over the cited art.

New independent claim 26 provides a brassiere comprising two breast cup portions each having a transparent inner layer, a transparent outer layer, and an adhesive layer fusing the transparent inner and outer layers to one another. The adhesive layer defines a pattern that can be seen through the transparent inner and outer layers. Support for claim 26 is at least found on page 6, line 23 through page 7, line 5.

New claim 27 provides the brassiere as in claim 26, and further provides that the pattern of the adhesive layer provides support in selected regions of the two breast cup portions, and that the pattern extends diagonally from a top side portion of each of the two breast cup portions to a bottom center portion of each of the two breast cup portions. Support for claim 27 is at least found on page 6, lines 25-26 and Figure 1.

New independent claim 28 provides a brassiere that includes two breast cup portions each having a transparent inner layer, an outer layer, and an adhesive layer fusing the transparent inner layer and the outer layer to one another. The adhesive layer is transparent. Support for claim 28 is at least found on page 7, lines 5-8.

New claim 29 provides the brassiere as in claim 28, and further includes that the outer layer comprises a pattern that can be seen through the adhesive layer and the inner transparent layer, and that the pattern extends diagonally from a top side portion of each of the two breast cup portions to a bottom center portion of each of the two breast cup portions. Support for claim 29 is at least found on page 7, lines 5-8 and Figure 1.

New claim 30 provides the brassiere as in claim 28, and further includes that the outer layer is transparent. Support for claim 30 is at least found on page 6, lines 4-5.

As discussed above, and as clearly shown in Figures 1, 8, and 9, Andersen provides "there is a second cup layer 17 which may be fabricated in the same manner and molded to conform to the lace layers 7, 8" and "[a]n inner lining 19 which is also identical in fabrication and molding to the lace layers 7, 8." (col. 7, 54-59). Alexander discloses that the fabric can be prepared for molding by padding it with a composition of water and thermosetting resin, thermoplastic resin and silicone resin that when used in large quantities also can adhere the fabric layers together. (col. 7, line 65 - col. 8, line 9). Thus, Andersen fails to disclose or suggest that the adhesive layer defines a pattern that can be seen through the transparent inner and outer layers, as recited by claim 26, let alone that the pattern of the adhesive layer provides support in selected regions of the two breast cup portions, or that the pattern extends diagonally from a top side portion of each of the two breast cup portions to a bottom center portion of each of the two breast cup portions, as recited by claim 27; the adhesive layer is transparent, as recited by claim 28; or that the outer layer comprises a pattern that can be seen through the adhesive layer and the inner transparent layer, or that the pattern extends diagonally from a top side portion of each of the two breast cup portions to a bottom

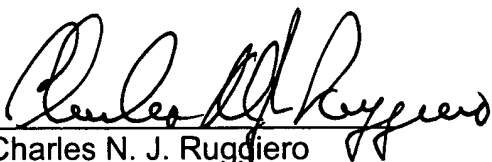
center portion of each of the two breast cup portions, or that the outer layer is transparent, as recited by claim 29.

Accordingly, Applicants respectfully submit that claims 26 through 30 are patentable over the cited art.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

Respectfully submitted,

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